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HOUSE BILL NO. 1714

Offered January 8, 2003

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A BILL to amend and reenact §§ 2.2-2648, 2.2-5206 and 2.2-5209 of the Code of Virginia, relating to Comprehensive Services Act; family assessment and planning team referral.

Patron—Hogan

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2648, 2.2-5206 and 2.2-5209 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2648. State Executive Council for Comprehensive Services for At-Risk Youth and Families; membership; meetings.

A. The State Executive Council for Comprehensive Services for At-Risk Youth and Families (the "Council") is established as a supervisory council, within the meaning of § 2.2-2100, in the executive branch of state government.

B. The Council shall consist of the Commissioners of Health, of Mental Health, Mental Retardation and Substance Abuse Services, and of Social Services; the Superintendent of Public Instruction; the Executive Secretary of the Virginia Supreme Court; the Director of the Department of Juvenile Justice; the Director of the Department of Medical Assistance Services; two local government representatives to include a member of a county board of supervisors or a city council and a county administrator or city manager, to be appointed by the Governor; a private provider representative from a facility that maintains membership in an association of providers for children's or family services and receives funding as authorized by the Comprehensive Services Act (§ 2.2-5200 et seq.), to be appointed by the Governor, who may appoint from nominees recommended by the Virginia Coalition of Private Provider Associations; and a parent representative. The parent representative shall be appointed by the Governor for a term not to exceed three years and shall not be an employee of any public or private program that serves children and families.

C. The Council shall annually elect a chairman who shall be responsible for convening the council. The Council shall meet, at a minimum, quarterly, to oversee the administration of this article and make such decisions as may be necessary to carry out its purposes.

D. The Council shall have the following powers and duties:

1. Hire and supervise a director of the Office of Comprehensive Services for At-Risk Youth and Families;

2. Appoint the members of the state and local advisory team in accordance with the requirements of § 2.2-5201;

3. Provide for the establishment of interagency programmatic and fiscal policies developed by the Office of Comprehensive Services for At-Risk Youth and Families, which support the purposes of the Comprehensive Services Act (§ 2.2-5200 et seq.), through the promulgation of regulations by the participating state boards or by administrative action, as appropriate;

4. Provide for a public participation process for programmatic and fiscal guidelines and dispute resolution procedures developed for administrative actions that support the purposes of the Comprehensive Act (§ 2.2-5200 et seq.). The public participation process shall include, at a minimum, sixty days of public comment and the distribution of these guidelines and procedures to all interested parties;

5. Oversee the administration of and consult with the Virginia Municipal League and the Virginia Association of Counties about state policies governing the use, distribution and monitoring of moneys in the state pool of funds and the state trust fund;

6. Provide for the administration of necessary functions that support the work of the Office of Comprehensive Services for At-Risk Youth and Families;

7. Review and take appropriate action on issues brought before it by the Office of Comprehensive Services for At-Risk Youth and Families, Community Policy and Management Teams (CPMTs), local governments, providers and parents;

8. Advise the Governor and appropriate Cabinet Secretaries on proposed policy and operational changes that facilitate interagency service development and implementation, communication and cooperation;

9. Provide administrative support and fiscal incentives for the establishment and operation of local

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59 comprehensive service systems;

60 10. Oversee coordination of early intervention programs to promote comprehensive, coordinated
61 service delivery, local interagency program management, and co-location of programs and services in
62 communities. Early intervention programs include state programs under the administrative control of the
63 state executive council member agencies;

64 11. Oversee the development and implementation of a mandatory uniform assessment instrument and
65 process to be used by all localities to identify levels of risk of Comprehensive Services Act (CSA)
66 youth;

67 12. Oversee the development and implementation of uniform guidelines to include initial intake and
68 screening assessment, development and implementation of a plan of care, service monitoring and
69 periodic follow-up, and the formal review of the status of the youth and the family;

70 13. Oversee the development and implementation of uniform guidelines for documentation for
71 CSA-funded services;

72 14. Oversee the development and implementation of mandatory uniform guidelines for utilization
73 management *for residential services and non-Individualized Education Plan-funded services for youth*
74 *receiving special education*; each locality receiving funds for activities under the Comprehensive
75 Services Act shall have a locally determined utilization management plan following the guidelines or use
76 of a process approved by the Council for utilization management, ~~covering all CSA-funded services~~;

77 15. Oversee the development, implementation, and collection of uniform data collection standards,
78 and the development of outcome measures; including, but not limited to, expenditures, number of youth
79 served in specific CSA activities, length of stay for residents in core licensed residential facilities, and
80 proportion of youth placed in treatment settings suggested by a uniform assessment instrument for
81 CSA-funded services;

82 16. Establish and oversee the operation of an informal review and negotiation process with the
83 Director of the Office of Comprehensive Services and a formal dispute resolution procedure before the
84 State Executive Council, which include formal notice and an appeals process, should the Director or
85 Council find, upon a formal written finding, that a CPMT failed to comply with any provision of this
86 Act. "Formal notice" means the Director or Council provides a letter of notification, which
87 communicates the Director's or the Council's finding, explains the effect of the finding, and describes the
88 appeal process, to the chief administrative officer of the local government with a copy to the chair of
89 the CPMT. The dispute resolution procedure shall also include provisions for remediation by the CPMT
90 that shall include a plan of correction recommended by the Council and submitted to the CPMT. If the
91 Council denies reimbursement from the state pool of funds, the Council and the locality shall develop a
92 plan of repayment;

93 17. Deny state funding to a locality where the CPMT fails to provide services that comply with the
94 Comprehensive Services Act (§ 2.2-5200 et seq.), in accordance with subdivision 16; and

95 18. Biennially publish and disseminate to members of the General Assembly and community policy
96 and management teams a state progress report on comprehensive services to children, youth and families
97 and a plan for such services for the next succeeding biennium. The state plan shall:

98 a. Provide a fiscal profile of current and previous years' federal and state expenditures for a
99 comprehensive service system for children, youth and families;

100 b. Incorporate information and recommendations from local comprehensive service systems with
101 responsibility for planning and delivering services to children, youth and families;

102 c. Identify and establish goals for comprehensive services and the estimated costs of implementing
103 these goals, report progress toward previously identified goals and establish priorities for the coming
104 biennium; and

105 d. Include such other information or recommendations as may be necessary and appropriate for the
106 improvement and coordinated development of the state's comprehensive services system.

107 § 2.2-5206. Community policy and management teams; powers and duties.

108 The community policy and management team shall manage the cooperative effort in each community
109 to better serve the needs of troubled and at-risk youths and their families and to maximize the use of
110 state and community resources. Every such team shall:

111 1. Develop interagency policies and procedures to govern the provision of services to children and
112 families in its community;

113 2. Develop interagency fiscal policies governing access to the state pool of funds by the eligible
114 populations including immediate access to funds for emergency services and shelter care;

115 3. Establish policies to assess the ability of parents or legal guardians to contribute financially to the
116 cost of services to be provided and, when not specifically prohibited by federal or state law or
117 regulation, provide for appropriate parental or legal guardian financial contribution, utilizing a standard
118 sliding fee scale based upon ability to pay;

119 4. Coordinate long-range, community-wide planning that ensures the development of resources and
120 services needed by children and families in its community including consultation on the development of

a community-based system of services established under § 16.1-309.3;

5. Establish policies governing referrals and reviews of children and families to the family assessment and planning teams *in accordance with* § 2.2-5209 and a process to review the teams' recommendations and requests for funding;

6. Establish quality assurance and accountability procedures for program utilization and funds management *that include utilization management procedures that are consistent with the mandatory uniform guidelines for utilization management established by the State Executive Council pursuant to* § 2.2-2648 *for all purchased residential services and non-Individualized Education Plan-funded services for youth receiving special education and an overall expenditure review of the nonresidential services for youth on a monthly basis;*

7. Establish procedures for obtaining bids on the development of new services;

8. Manage funds in the interagency budget allocated to the community from the state pool of funds, the trust fund, and any other source;

9. Authorize and monitor the expenditure of funds by each family assessment and planning team;

10. Submit grant proposals that benefit its community to the state trust fund and to enter into contracts for the provision or operation of services upon approval of the participating governing bodies;

11. Serve as its community's liaison to the Office of Comprehensive Services for At-Risk Youth and Families, reporting on its programmatic and fiscal operations and on its recommendations for improving the service system, including consideration of realignment of geographical boundaries for providing human services;

12. Collect and provide uniform data to the Council on, but not limited to, expenditures, number of youth served in specific CSA activities, length of stay for residents in core licensed residential facilities, and proportion of youth placed in treatment settings suggested by a uniform assessment instrument for CSA-funded services;

13. Administer funds pursuant to § 16.1-309.3;

14. Have authority, upon approval of the participating governing bodies, to enter into a contract with another community policy and management team to purchase coordination services provided that funds described as the state pool of funds under § 2.2-5211 are not used; and

15. Submit to the Department of Mental Health, Mental Retardation and Substance Abuse Services information on children under the age of fourteen and adolescents ages fourteen through seventeen for whom an admission to an acute care psychiatric or residential treatment facility licensed pursuant to Chapter 8 (§ 37.1-179 et seq.) of Title 37.1, exclusive of group homes, was sought but was unable to be obtained by the reporting entities. Such information shall be gathered from the family assessment and planning team or participating community agencies authorized in § 2.2-5207. Information to be submitted shall include:

- a. The child or adolescent's date of birth;
- b. Date admission was attempted; and
- c. Reason the patient could not be admitted into the hospital or facility.

§ 2.2-5209. Referrals to family assessment and planning teams.

The community policy and management team shall establish policies governing the referral of troubled youths and families to the family assessment and planning team. These policies shall include ~~that all youth and families for which CSA-funded treatment services are requested are to be assessed standards for review~~ by the family assessment and planning team or a collaborative, multidisciplinary team process approved by the Council ~~and shall consider the criteria set out in subdivisions A. 1. and A. 2. of § 2.2-5212. Except for cases involving only the payment of foster care maintenance that shall be at the discretion of the local community policy and management team, cases for which service plans are developed outside of this family assessment and planning team process shall not be eligible for state pool funds.~~ based upon the level of CSA-funded treatment services requested for youth and families. The community policy management team shall require reviews for all purchased residential services and non-Individualized Education Plan-funded services for youth receiving special education that are consistent with the utilization management procedures established pursuant to § 2.2-5206. Reviews of cases involving nonresidential services for youth such as the payment of foster care maintenance, supportive and intensive services for foster children allowable under foster care policy, foster care prevention services including in-home counseling, mentoring, and any services necessary to prevent foster care, and nonresidential special education Individualized Education Plan-funded services may be performed by the family assessment and planning team or a collaborative, multidisciplinary team process approved by the Council as determined by the community policy management team. Any CSA-funded nonresidential service may be reviewed by the family assessment and planning team or a collaborative multidisciplinary team process approved by the Council for problem solving and staffing.

Nothing in this section shall prohibit the use of state pool funds for emergency placements, provided the youth are subsequently assessed by the family assessment and planning team or an approved

182 collaborative, multidisciplinary team process within fourteen days of admission and the emergency
183 placement is approved at the time of placement. In cases involving the denial of state pool funds
184 resulting from parental refusal to consent to release of student records under federal law, where such
185 refusal precludes the development of placement through the family assessment and planning team
186 process or the approved, collaborative, multidisciplinary team process, an appeal for good cause may be
187 made to the Council.